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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,729	11/16/1999	ERIC DAVID BLOCH	MS1-1073US	4930
22801 7590 09/25/2007 LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER PARRY, CHRISTOPHER L	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/441,729

Applicant(s)

BLOCH ET AL.

Examiner

Chris Parry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-6, 14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henley et al. "Henley" (US 5,761,417) in view of Biliris et al. "Biliris" (US 5,720,037).

Regarding Claim 1, Henley discloses the method of pulling and playing digital media data stored over a digital data network (Abstract), the method comprising the steps of: accessing a playlist (142 -figure 9) wherein said playlist specifies a first digital media clip and a second digital media clip to be played and wherein said first clip is stored within a first digital data source (16 – figure 1) and said second clip is stored within a second digital data source (16 – figure 1) (Col. 20, lines 1-22).

Henley further discloses translating said playlist into a first plurality of frame accurate requests that specify first respective frames of said first clip and a second plurality of frame accurate requests that specify second respective frames of said second clip (Col. 8, lines 26-38; Col. 9, lines 6-10; Col. 17, lines 25-30).

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Henley teaches transmitting said first plurality of frame accurate requests over said digital data network to said first digital data source to pull digital data from said first digital data source; transmitting said second plurality of frame accurate requests over said digital data network to said second digital data source to pull digital data from said second digital data source (Col. 8, lines 39-51; Col. 14, lines 17-18; Col. 17, lines 28-35).

Henley further teaches receiving said first respective frames as digital data from said first source via said digital data network (Col. 45-51; Col. 17, lines 60-63).

However, Henley is silent on specifically disclosing rendering said first respective frames at a predetermined framerate; before a last frame of said first respective frames is rendered from digital data, receiving a first frame of said second respective frames as digital data from said second source via said digital data network; and rendering, from digital data, said first frame of said second respective frames after said last frame at said predetermined framerate such that playback of said first digital media clip and said second digital media clip appears seamless.

In an analogous art, Biliris discloses the method of pulling and playing digital media data stored over a digital data network, the method comprising the steps of: receiving said first respective frames as digital data from said first source (102 – figure 1) via said digital data network (Col. 3, lines 44-51; Col. 7, lines 44-48; Col. 8, lines 2-6); rendering said first respective frames at a predetermined framerate (Col. 6, lines 31-41; Col. 7, lines 44-52).

Biliris further discloses before a last frame of said first respective frames is rendered from digital data, receiving a first frame of said second respective frames as digital data from said second source (101 – figure 1) via said digital data network (Col. 3, lines 21-35; Col. 6, lines 31-41; Col. 8, lines 2-19).

Biliris teaches rendering, from digital data, said first frame of said second respective frames after said last frame at said predetermined framerate such that playback of said first digital media clip and said second digital media clip appears seamless (i.e.; after the initial clip is played from RAM 102, playing second clip from disc 101) (Col. 6, lines 31-41; Col. 7, lines 44-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henley to include receiving and rendering the first frame of the first and second clip as taught by Biliris for the benefit of providing continuous retrieval of movies and the ability to simultaneously service multiple subscribers at a relatively low-cost.

As for Claims 3, Henley and Biliris disclose, in particular Henley teaches wherein said first plurality of frame accurate requests each specifies a respective one of said first respective frames (Col. 16, lines 19-36).

As for Claim 4, Henley and Biliris disclose, in particular Henley teaches wherein said second plurality of frame accurate requests each specifies a respective one of said second respective frames (Col. 16, lines 36-59).

As for Claim 5, Henley and Biliris disclose, in particular Henley teaches wherein said predetermined framerate is adjustable by a user (Col. 19, lines 50-67).

As for Claim 6, Henley and Biliris disclose, in particular Henley teaches wherein said digital media data comprises digital audio data and digital video data (Col. 7, lines 12-24).

Regarding Claim 14, Henley discloses a computer readable medium containing therein computer readable codes for causing a computer system to perform a step of pulling and playing of digital media data stored across a digital data network (Abstract), the method comprising the steps of: accessing a playlist (142 – figure 9) wherein said playlist specifies a first digital media clip and a second digital media clip to be played and wherein said first clip is stored within a first digital data source (16 – figure 1) and said second clip is stored within a second digital data source (16 – figure 1) (Col. 20, lines 1-22).

Henley further discloses translating said playlist into a first plurality of frame accurate requests that specify first respective frames of said first clip and a second plurality of frame accurate requests that specify second respective frames of said second clip; transmitting said first plurality of frame accurate requests over said digital data network to said first source to pull digital data from said first source (Col. 8, lines 26-38; Col. 9, lines 6-10; Col. 17, lines 25-30).

Henley teaches transmitting said second plurality of frame accurate requests over said digital data network to said second source to pull digital data from said second source; receiving said first respective frames, as digital data, from said first source via said digital data network (Col. 8, lines 39-51; Col. 14, lines 17-18; Col. 17, lines 28-35).

However, Henley fails to disclose rendering from digital data first and second respective frames at a predetermined framerate. In an analogous art, Biliris discloses a computer readable medium containing therein computer readable codes for causing a computer system to perform a step of pulling and playing of digital media data stored across a digital data network, the method comprising the steps of: rendering, from digital data, said first respective frames at a predetermined framerate (Col. 6, lines 31-41; Col. 7, lines 44-52); before a last frame of said first respective frames is rendered, receiving a first frame of said second respective frames, as digital data, from said second source via said digital data network (Col. 3, lines 21-35; Col. 6, lines 31-41; Col. 8, lines 2-19).

Biliris further discloses rendering, from digital data, said first frame of said second respective frames after said last frame at said predetermined framerate such that playback of said first clip and said second clip appears seamless (i.e.; after the initial clip is played from RAM 102, playing second clip from disc 101) (Col. 6, lines 31-41; Col. 7, lines 44-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henley to include rendering from digital data first and second respective frames at a predetermined framerate as taught by

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Biliris for the benefit of providing continuous retrieval of movies and the ability to simultaneously service multiple subscribers at a relatively low-cost.

Considering Claim 16, the claimed elements of wherein said first plurality of frame accurate requests each specifies a respective one of said first respective frames, corresponds with subject matter mentioned above in the rejection of claim 3, and is likewise treated.

Considering Claim 17, the claimed elements of wherein said second plurality of frame accurate requests each specifies a respective one of said second respective frames, corresponds with subject matter mentioned above in the rejection of claim 4, and is likewise treated.

Considering Claim 18, the claimed elements of wherein said predetermined framerate is adjustable by a user, corresponds with subject matter mentioned above in the rejection of claim 5, and is likewise treated.

Considering Claim 19, the claimed elements of wherein said digital media data comprises digital audio data and digital video data, corresponds with subject matter mentioned above in the rejection of claim 6, and is likewise treated.

4. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henley in view of Shaw et al. (US 5,870,553) in view of Biliris.

Regarding Claim 7, Henley discloses a system (figure 1) for pulling and playing digital media data stored over a digital data network, the system comprising: a client computer (65 – figure 1) coupled to said digital data network (Col. 8, lines 30-32), wherein said client computer comprises: a user interface (figure 9) for receiving a playlist (142 – figure 9) from a user wherein said playlist specifies a first digital media clip and a second digital media clip to be played (Col. 20, lines 1-22).

However, Henley fails to disclose a first and second server computer coupled to receive said first and second plurality of frame accurate requests from said client computer.

In an analogous art, Shaw discloses a system (figure 2) for pulling and playing digital media data stored over a digital data network, the system comprising: a client computer (11 – figure 2; Col. 4, lines 5-8); a first server computer (22 – figure 2) coupled to receive said first plurality of frame accurate requests from said client computer via said digital data network to pull digital data from said first server computer, wherein said first server computer retrieves first respective frames of said first clip requested by said first plurality of frame accurate requests and transmits said first respective frames to said client computer as digital data via said digital data network (Col. 4, lines 26-36; Col. 5, lines 30-33 & 62-65).

Shaw further discloses a second server computer (16 – figure 2) coupled to receive said second plurality of frame accurate requests from said client computer via

said digital data network to pull digital data from said second server computer, wherein second server computer retrieves second respective frames of said second clip requested by said second plurality of frame accurate requests, and transmits said second respective frames to said client computer as digital data via said digital data network (Col. 4, lines 37-54; Col. 5, lines 25-40 & 60-62). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henley to include a first and second server computer coupled to receive said first and second plurality of frame accurate requests from said client computer as taught by Shaw for the benefit of storing a large number of multimedia files on a network in a cost effective manner.

The combination of Henley and Shaw fail to disclose a playback engine for translating said playlist into a first plurality of frame accurate requests and wherein said client computer renders, from digital data, said first respective frames and said second respective frames at a predetermined framerate such that playback of said first clip and said second clip appears seamless.

In an analogous art, Biliris discloses a system (figure 1) for pulling and playing digital media data stored over a digital data network, the system comprising: a client computer (122 – figure 1; Col. 6, lines 39-41) coupled to said digital data network, wherein in said client computer comprises: a playback engine (127 – figure 1) for translating said playlist into a first plurality of frame accurate requests corresponding to said first clip and a second plurality of frame accurate requests corresponding to said second clip (Col. 6, line 62 to Col. 7, line 10).

Biliris further discloses wherein said client computer renders, from digital data, said first respective frames and said second respective frames at a predetermined framerate such that playback of said first clip and said second clip appears seamless (i.e.; after the initial clip is played from RAM 102, playing second clip from disc 101) (Col. 6, lines 31-41; Col. 7, lines 44-52). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Henley and Shaw to include a playback engine for translating said playlist into a first plurality of frame accurate requests and wherein said client computer renders, from digital data, said first respective frames and said second respective frames at a predetermined framerate as taught by Biliris for the benefit of providing continuous retrieval of movies and the ability to simultaneously service multiple subscribers at a relatively low-cost.

As for Claim 8, the combination of Henley, Shaw, and Biliris disclose, in particular Shaw teaches wherein said first server (22 – figure 2) comprises a first digital data storage (24 – figure 2) for storing said first digital media clip and wherein said second server (16 – figure 2) comprises a second digital data storage (18 – figure 2) for storing said second digital media clip (Col. 4, lines 26-54; Col. 5, lines 25-40).

As for Claim 9, the combination of Henley, Shaw, and Biliris disclose, in particular Henley teaches wherein said user interface (figure 9) allows a user to specify a beginning frame and an ending frame of a clip to be played (Col. 20, lines 1-22).

As for Claim 10, the combination of Henley, Shaw, and Biliris disclose, in particular Henley teaches wherein said first plurality of frame accurate requests each specifies a respective one of said first plurality of frames (Col. 16, lines 19-36).

As for Claim 11, the combination of Henley, Shaw, and Biliris disclose, in particular Henley teaches wherein said second plurality of frame accurate requests each specifies a respective one of said second plurality of frames (Col. 16, lines 36-59).

As for Claim 12, the combination of Henley, Shaw, and Biliris disclose, in particular Henley teaches wherein said predetermined framerate is adjustable by a user (Col. 19, lines 50-67).

As for Claim 13, the combination of Henley, Shaw, and Biliris disclose, in particular Henley teaches wherein said digital media data comprises digital audio data and digital video data (Col. 7, lines 12-24).

5. Claims 2 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Henley in view of Biliris as applied to claims 1 and 14 above, and further in view of Shaw.

As for Claim 2, Henley and Biliris fail to specifically disclose wherein said first digital data source comprises a first server coupled to said digital data network and

wherein said second source comprises a second server coupled to said digital data network.

In an analogous art, Shaw discloses wherein said first digital data source (24 – figure 2) comprises a first server (22 – figure 2) coupled to said digital data network and wherein said second source (18 – figure 2) comprises a second server (16 – figure 2) coupled to said digital data network (Col. 4, lines 26-54; Col. 5, lines 25-40). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Henley and Biliris to include wherein said first digital data source comprises a first server coupled to said digital data network and wherein said second source comprises a second server coupled to said digital data network as taught by Shaw for the benefit of storing a large number of multimedia files on a network in a cost effective manner.

Considering Claim 15, the claimed elements of wherein said first digital data source comprises a first server coupled to said digital data network and wherein said second digital data source comprises a second server coupled to said digital data network, corresponds with subject matter mentioned above in the rejection of claim 2, and is likewise treated.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baker et al. (US 5,583,561) - A system and method for distributing real-time, compressed, digital video data from a video library composed of multiple mass storage devices through a digital video data server to large numbers of viewers via distribution networks.

Okamoto et al. (US 5,764,893) - A video-on-demand system divides compressed image data of a video program into image data sections with a predetermined length and stores them in one of a series of storage media.

Gardner et al. (US 5,583,995) - An apparatus and method is provided for allocating a data file across a plurality of media servers in a network.

Kindell et al. (US 5,630,067) - A networked computer system for storing and presenting multimedia data distributes that data among multiple storage devices of the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chris Parry
Examiner
Art Unit 2623

/CP/



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600